



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	2020-04-21 10:00 - Regular School Board Meeting
AGENDA ITEM	ITEMS
CATEGORY	JJ. OFFICE OF FACILITIES & CONSTRUCTION
DEPARTMENT	Facilities Pre-Construction

Special Order Request <input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda <input checked="" type="radio"/> Yes <input type="radio"/> No

ITEM No.:
JJ-2.

TITLE:
First Amd. to the Prof. Svcs. Agrmt. (CMAR Proj. Deliv.) - D.L. Fields Cnslts., LLC d/b/a DLFC Archts. - Pkg B: Deerfield Beach MS - P.002142 - Lyons Creek MS - P.002141 - Monarch HS - P.002148 - SMART Program Renovations - RFQ 19-018C

REQUESTED ACTION:
Approve the First Amendment to the Professional Services Agreement (Construction Management at Risk Project Delivery) with D.L. Fields Consultants, LLC d/b/a DLFC Architects, for Package B: Deerfield Beach Middle School, P.002142, Lyons Creek Middle School, P.002141, and Monarch High School, P.002148, Smart Program Renovations, RFQ 19-018C.

SUMMARY EXPLANATION AND BACKGROUND:
For Details See Executive Summary (Exhibit 1).
This Amendment has been reviewed and approved as to form and legal content by the Office of the General Counsel.

SCHOOL BOARD GOALS:
 Goal 1: High Quality Instruction Goal 2: Safe & Supportive Environment Goal 3: Effective Communication

FINANCIAL IMPACT:
This project has been appropriated in the Adopted District Educational Facilities Plan (September 4, 2019). There is no current impact to the project budget. There is a potential future impact to the project.

EXHIBITS: (List)
(1) Executive Summary (2) First Amendment (3) Collaboration Form (4) Memo to Revise

BOARD ACTION:
APPROVED
(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:	
Name: Shelley N. Meloni, Director, Pre-Constr.	Phone: 754-321-1515
Name: Daniel Jardine, Director, CBRE Heery	Phone: 754-321-4850

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Senior Leader & Title

Frank Girardi - Executive Director

Signature
Frank L. Girardi
4/20/2020, 7:06:40 PM

Approved In Open Board Meeting On: **APR 21 2020**
By: *Donna Koen*
School Board Chair

**FIRST AMENDMENT
TO
PROFESSIONAL SERVICES AGREEMENT**

BETWEEN
THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA AND
PROJECT CONSULTANT FOR ARCHITECTURAL/ENGINEERING SERVICES

This First Amendment to the Professional Services Agreement ("Agreement") between The School Board of Broward County, Florida (hereinafter referred to as "Owner") and **D.L. Fields Consultants, LLC DBA DLFC Architects** (hereinafter referred to as "Project Consultant") for architectural/engineering services dated the 7th day of November, 2018, is entered into this 21st day of April, 2020 by and between the Owner and the Project Consultant.

For the Project known as: **Deerfield Beach Middle School
Project No. P.002142
SMART Program Renovations**

**Lyons Creek Middle School
Project No. P.002141
SMART Program Renovations**

**Monarch High School
Project No. P.002148
SMART Program Renovations**

WHEREAS, the Owner and Project Consultant acknowledge and agree that the Agreement between Owner and Project Consultant dated the 7th day of November, 2018, is in full force and effect; and

WHEREAS, the Agreement is a traditional Design/Bid/Build Professional Services Agreement ("D/B/B PSA") wherein the Project Consultant was required to complete Construction Documents design prior to the Owner seeking bids to construct the Project; and

WHEREAS, in order to facilitate an increase of minority participants, the Owner desires to change the Agreement from a D/B/B PSA to a Construction Manager at Risk PSA ("CMAR PSA"); and

WHEREAS, a CMAR PSA requires the Project Consultant to work collaboratively with a Construction Manager to develop the design of the Project pursuant to a CMAR Agreement between the Owner and Construction Manager; and

WHEREAS, Staff and the Project Consultant have negotiated a proposed increase in the Professional fees to incorporate the additional work required under a CMAR PSA Deerfield Beach Middle School in the amount of \$52,499.82; Lyons Creek Middle School in the amount of \$23,456.56; and Monarch High School in the amount of \$19,000.19 for a total increase of \$94,956.57

NOW, THEREFORE, in exchange for the mutual covenants and promises set forth herein and the sums of money agreed to be paid by the Owner to the Project Consultant, the parties agree as follows:

1. The recitals contained herein are true and correct and are incorporated herein by reference.
2. **Revised Terms.**
 - a. Scope of Services. The Project Consultant shall perform all work identified in the CMAR PSA attached hereto as **Exhibit "A."** The CMAR PSA shall replace the DBB PSA in its entirety. Specific changes to the existing DBB PSA to incorporate requirements of the CMAR PSA are indicated in attached **Exhibit "B"** as either ~~stricken text~~ (deleted text) or **bold underlined text** (added text).
 - b. Fees. The additional work associated with the change from DBB to CMAR results in a net increase to the Project Consultant's Fees in the amount of \$52,499.82 for Deerfield Beach Middle School; \$23,456.56 for Lyons Creek Middle School; and \$19,000.19 for Monarch High School.

Deerfield Beach Middle School:

	Original PSA Amounts	First Amendment Revisions	Description	Revised Amount
Basic Fees	\$275,000	\$27,499.82	Additional obligation to work with CMAR.	\$302,499.82
Allowances	\$50,000	\$20,000	Additional Allowance-Destructive & Non-Destructive Testing Expenses	\$70,000
Supplemental Services	\$25,000	\$5,000	Additional Supplemental Services	\$30,000
Total	\$350,000	\$52,499.82	N/A	\$ 402,499.82

Lyons Creek Middle School:

	Original PSA Amounts	First Amendment Revisions	Description	Revised Amount
Basic Fees	\$182,000	\$18,456.56	Additional obligation to work with CMAR.	\$200,456.56
Allowances	\$35,000	\$5,000	Additional Allowance-Destructive & Non-Destructive Testing Expenses	\$40,000
Supplemental Services	\$25,000	\$0	Additional Supplemental Services	\$25,000
Total	\$242,000	\$ 23,456.56	N/A	\$ 265, 456.56

Monarch High School:

	Original PSA Amounts	First Amendment Revisions	Description	Revised Amount
Basic Fees	\$140,000	\$ 14,000.19	Decrease of additional work with CMAR.	\$154,000.19
Allowances	\$35,000	\$5,000	Additional Allowance-Destructive & Non-Destructive Testing Expenses	\$40,000
Supplemental Services	\$25,000	\$0	Additional Supplemental Services	\$25,000
Total	\$200,000	\$19,000.19	N/A	\$ 219,000.19

3. **Other Provisions Remain in Force.** All other terms and conditions of the Contract shall remain in full force and effect. Except as expressly provided herein and as may have been previously amended, all other portions of the Agreement remain in full force and effect.

4. **Order of Precedence among Agreement Documents.** In the event of conflict between the provisions of the Agreement and the provisions contained herein, the provisions of the following documents shall take precedence in this order:

- a) This First Amendment to Agreement; then
- b) the Agreement.

5. **Authority:** Each person signing this First Amendment on behalf of either party warrants that he or she has full legal power to execute this First Amendment on behalf of the party for whom he or she is signing it to bind and obligate such party with respect to all provisions contained in this First Amendment.

(Remainder of page intentionally left blank)

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed and their Corporate Seal affixed by and through their proper offices, thereunto duly authorized on this day and year first above written.

FOR OWNER

(Corporate Seal)



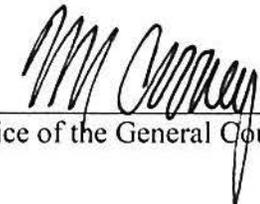
**THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA**

ATTEST:


Robert W. Runcie, Superintendent of Schools

By 
Donna P. Korn, Chair

Approved as to Form and Legal Content:


Office of the General Counsel

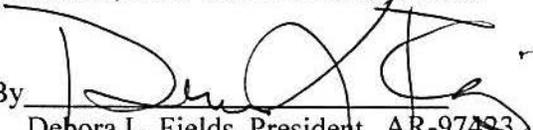
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FOR PROJECT CONSULTANT

D.L. Fields Consultants, LLC dba DLFC Architects

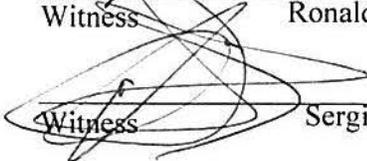
ATTEST:

By 
Debora L. Fields, President AR-97423

, Secretary

-or-


Witness Ronald Fields


Witness Sergio Ferreira Bonilla

AA26003237

Project Consultant's Registration Number

STATE OF FLORIDA)
)
COUNTY OF BROWARD)

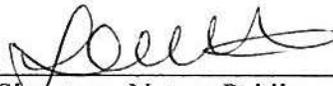
The foregoing instrument was acknowledged before me, by means of physical presence or online notarization, this 10 day of April, 2020 by **Debora L. Fields of D.L. Fields Consultant, LLC d/b/a DLFC Architects** on behalf of the corporation or agency.

He/she is personally known to me or produced as Identification personally known and did/did not first take an oath.

My commission expires: JULY 2, 2021



Luciana Crosa
Commission # GG120724
Expires: July 2, 2021
Bonded thru Aaron Notary



Signature, Notary Public

LUCIANA CROSA

Printed Name of Notary